

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL TRIAL MINUTES

The Honorable WILLIAM H. ALSUP

Date: April 23, 2012

Case No.: **C10-03561 WHA**

Case Name: **ORACLE AMERICA, INC.** v. **GOOGLE INC.**

Plaintiff's Counsel: Michael Jacobs; Dan Muino; Fred Norton; Andrew Temkin; David Boies; Dorian Daley
Steven Holtzman; Safra Catz (Corporate Representative)

Defendant's Counsel: Robert Van Nest; Christa Anderson; Dan Purcell; Michael Kwun; Bruce Baber
Renny Hwang; Catherine Lacavera (Corporate Representative)

Clerk: Dawn K. Toland

Court Reporter: Kathy Sullivan; Debra Pas

Trial Began: April 16, 2012

Further Trial: April 24, 2012 at 7:30 am

Trial Motions Heard:

Disposition

- | | | |
|----|-------|-------|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |

Other:

Time in Trial: 6 hours 25 minutes

NORTHERN DISTRICT OF CALIFORNIA

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EXHIBIT and WITNESS LIST

JUDGE: WILLIAM H. ALSUP	PLAINTIFF ATTORNEY: Michael Jacobs; Dan Muino Fred Norton; Andrew Temkin David Boies; Dorian Daley Steven Holtzman	DEFENSE ATTORNEY: Robert Van Nest; Christa Anderson Dan Purcell; Michael Kwun Bruce Baber
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TRIAL DATE: April 23, 2012	REPORTER(S): Kathy Sullivan; Debra Pas	CLERK: Dawn Toland
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PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>7:30 am</u>			<u>Outside the presence of the jury. Court advised the parties to be mindful of what's in the trial record. Counsel addressed the issue of what goes to the jury or the Court. Michael Jacobs advised the Court parties have stipulated to admit the following exhibits: 26, 104, 157, 233, 234, 251, 21, 172, 1029, 238, 34, 165, 383, 384, 416, 897, 729, 896.1, 896.2, 896.3, 896.4, 896.5, 896.6, 896.7, 896.7, 612, 617, and 2223. Plaintiff will submit a brief re findings of fact and conclusion of law. Plaintiff argued for the admission of exhibit 1026 - admitted. Court read note from a member of the jury.</u>	
		<u>8:09 am</u>			<u>Reconvene...jury present</u>	
		<u>8:11 am</u>			<u>Direct of Bob Lee continued. By Michael Jacobs</u>	
<u>610.2</u>			<u>x</u>	<u>x</u>	<u>Java 2 Platform Standard Edition 5.0 API Specification</u>	
<u>767</u>			<u>x</u>	<u>x</u>	<u>Android API Documentation</u>	
		<u>8:24 am</u>			<u>Cross Examination by Bruce Babers</u>	
	<u>405</u>		<u>x</u>	<u>x</u>	<u>Email from Eric Schmidt to Bob Lee re It was great chatting with you yesterday</u>	
	<u>281</u>		<u>x</u>	<u>x</u>	<u>Email from Bob Lee to Hioshi Lockheimer re Nopers in 2009</u>	
		<u>8:58 am</u>			<u>Redirect Examination</u>	
<u>1047</u>			<u>x</u>	<u>x</u>	<u>FAQ Letter to Sun Microsystem</u>	
<u>1045</u>			<u>x</u>	<u>x</u>	<u>Apache Software Foundation Blog</u>	
		<u>9:07 am</u>			<u>Recross</u>	
	<u>1045</u>		<u>x</u>	<u>x</u>	<u>Apache Software Foundation Blog</u>	
		<u>9:07 am</u>			<u>Witness Excused</u>	

					Plaintiff's witness Professor John Mitchell sworn-in. Direct by Michael Jacobs
<u>687</u>			<u>x</u>	<u>x</u>	<u>CV of Professor Mitchell</u>
<u>3452</u>			<u>x</u>		<u>Demonstrative Chart drawn by Dr. Bloch</u>
<u>1028</u>			<u>x</u>	<u>x</u>	<u>Java Class Libraries Poster</u>
		<u>9:30 am</u>			<u>Recess</u>
		<u>9:53 am</u>			<u>Reconvene...jury present</u>
					<u>Direct of Professor Mitchell continued</u>
		<u>10:47 am</u>			<u>Cross Examination by Robert Van Nest</u>
<u>686</u>			<u>x</u>		<u>Opening Expert Report of John C Mitchell Regarding Copyright</u>
<u>2564</u>			<u>x</u>	<u>x</u>	<u>Gosling, J., The Java Language Specification</u>
<u>980</u>			<u>x</u>	<u>x</u>	<u>The Java Application Programming Interface, Volume 1</u>
<u>984</u>			<u>x</u>	<u>x</u>	<u>The Java Language Specification Third Edition</u>
<u>1062</u>			<u>x</u>	<u>x</u>	<u>Classes and Interfaces</u>
		<u>11:15 am</u>			<u>Recess</u>
					<u>Outside the presence of the jury - one juror stayed behind to address an issue regarding her employer</u>
		<u>11:18 am</u>			<u>Side Bar</u>
		<u>11:23 am</u>			<u>Recess</u>
		<u>11:40 am</u>			<u>Reconvene...jury present</u>
					<u>Cross Examination continued</u>
<u>3452</u>			<u>x</u>		<u>Demonstrative Chart drawn by Dr. Bloch</u>
<u>727</u>			<u>x</u>		<u>Opening Expert Report of Marc Visnick Regarding Copyright</u>
<u>686</u>			<u>x</u>		<u>Opening Expert Report of John C Mitchell Regarding Copyright</u>
		<u>12:25 pm</u>			<u>Redirect</u>
<u>1072</u>			<u>x</u>	<u>x</u>	<u>Accused API Packages and Files in Android</u>
		<u>12:34 pm</u>			<u>Witness Excused</u>
					<u>Court read a party stipulation</u>
					Plaintiff's witness Andy Rubin sworn-in. Direct by David Boies
<u>14</u>			<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to Sergey Brin</u>
<u>15</u>			<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to Rich Miner</u>
<u>18</u>			<u>x</u>	<u>x</u>	<u>Email from Greg Stein to Andy Rubin</u>
<u>22</u>			<u>x</u>	<u>x</u>	<u>Email from Karen Tsay to deal-review@google.com</u>

<u>29</u>		<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to Dick Wall</u>
<u>131</u>		<u>x</u>	<u>x</u>	<u>Email from Tim Lindholm to Andy Rubin re Another thought on Sun motivation</u>
<u>140</u>		<u>x</u>	<u>x</u>	<u>Email from Bill Coughran to Tim Lindholm and Andy Rubin</u>
<u>147</u>		<u>x</u>	<u>x</u>	<u>Email from Urs Hoelzle to Andy Rubin re Skelmir</u>
<u>151</u>		<u>x</u>	<u>x</u>	<u>Email from Steve Horowitz to Andy Rubin re GPS Notes</u>
<u>154</u>		<u>x</u>	<u>x</u>	<u>Email from Jason Harinstein to Andy Rubin</u>
<u>158</u>		<u>x</u>	<u>x</u>	<u>Email from Andyt@google.com to tangjanfeng@chinamobile.com</u>
<u>161</u>		<u>x</u>	<u>x</u>	<u>Email rom Jason Harington to Andy Rubin re Project Guava</u>
<u>165</u>		<u>x</u>	<u>x</u>	<u>Email from Richard Miner to Anthony House</u>
<u>180</u>		<u>x</u>	<u>x</u>	<u>Email from Erin Fors to Michael Kirkland, Barry Schnitt and Andy Rubin</u>
<u>183</u>		<u>x</u>	<u>x</u>	<u>Emailfrom Eric Schmidt to Andy Rubin re Do you have time for a call?</u>
<u>203</u>		<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to jtebbitt@google.com re Fwd: Sun slides</u>
<u>207</u>		<u>x</u>		<u>Email from Eric Schmidt to Andy Rubin re java phone</u>
<u>3</u>		<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to Tim Lindholm re Review</u>
<u>7</u>		<u>x</u>	<u>x</u>	<u>Email from Tracey Cole to Andy Rubin</u>
<u>12</u>		<u>x</u>	<u>x</u>	<u>Email from Tim Lindholm to Andy Rubin</u>
<u>1</u>		<u>x</u>	<u>x</u>	<u>Android GPS Key Strategic Decisions Around Open Source</u>
<u>17</u>		<u>x</u>	<u>x</u>	<u>Email from Bill Coughran to Tim Lindholm re Travel</u>
<u>18</u>		<u>x</u>	<u>x</u>	<u>Email from Greg Stein to Andy Rubin re the open J2ME project</u>
	<u>1:00 pm</u>			<u>Recess</u>
				<u>Outside the presence of the jury. Defense raised a concern over the admission of a exhibits. Court provided the number of minutes used. Could the issue of wilfulness be advanced to phase one. Court asked counsel to respond to question re derivative work. Parties discussed other legal issues.</u>
	<u>1:55 pm</u>			<u>Recess until 4/24/12 at 7:30 am</u>